

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

Bismarck, March 4, 2009

The Senate was on the Fourth, Fifth, and Thirteenth orders of business pursuant to Sen. Christmann's motion.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4015, SCR 4027, SCR 4028, SCR 4032.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1080, HB 1111, HB 1165, HB 1167, HB 1173, HB 1178, HB 1214, HB 1233, HB 1264, HB 1309, HB 1311, HB 1334, HB 1336, HB 1343.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1100, HB 1113, HB 1124.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1182.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3048.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2055, SB 2056, SB 2058, SB 2071, SB 2078, SB 2111, SB 2130, SB 2134, SB 2136.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2029.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2128.

HOUSE AMENDMENTS TO SENATE BILL NO. 2128

Page 2, line 6, replace "The" with "A North Dakota member of the"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2034, SB 2137, SB 2146, SB 2147, SB 2148.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2034, SB 2137, SB 2146, SB 2147, SB 2148.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1026, HB 1114, HB 1133, HB 1134, HB 1148, HB 1152, HB 1154, HB 1156, HB 1157.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1080, HB 1111, HB 1165, HB 1167, HB 1173, HB 1178, HB 1214, HB 1233, HB 1264, HB 1309, HB 1311, HB 1334, HB 1336, HB 1343.

REPORT OF STANDING COMMITTEE

SCR 4029: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4029 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4030: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "an oil tax trust" with "a legacy" and remove "and a North Dakota"

Page 1, line 3, remove "student scholarship fund"

Page 1, line 5, replace "an oil tax trust" with "a legacy" and remove "and a North Dakota student scholarship fund"

Page 1, line 6, replace "funds" with "fund"

Page 1, line 15, replace "1. Twenty-five" with "The first twenty-five" and replace "the state's share of" with "all"

Page 1, line 17, replace "oil tax fund" with "legacy"

Page 1, line 18, replace "oil tax fund" with "legacy"

Page 1, line 21, replace "oil tax trust" with "legacy" and after "expended" insert ", except revenue derived after December 31, 2040, may be expended if appropriated by a two-thirds vote of each house of the legislative assembly. The state investment board shall invest the principal of the legacy fund. The state treasurer shall transfer earnings of the legacy fund to the state general fund at the end of each fiscal year"

Page 1, remove lines 22 through 25

Page 2, remove lines 1 through 3

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4031: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4031 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1036: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1036 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1048, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1048 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1062: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1062 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1078, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1078 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1082: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1082 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision c of subsection 1 of section 57-39.2-02.1,"

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Subdivision c of subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

- c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity and the playing of any machine for amusement or entertainment in response to the use of a coin. The tax imposed by this section applies only to ~~eighty~~ forty percent of the gross receipts collected from coin-operated amusement devices."

Page 4, line 18, replace "3" with "4"

Page 4, line 19, replace "4, 5, 7, and 8" with "5, 6, 8, and 9"

Page 4, line 20, replace "6" with "7"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1086: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1086 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1127: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1131: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1131 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1136, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1136 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1153: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1153 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1199: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1199 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1345: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1345 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1438, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1438 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 4, after "license" insert "; and to declare an emergency"

Page 8, after line 24, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1448: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1448 was placed on the Sixth order on the calendar.

Page 1, line 2, after "agricultural" insert "or commercial"

Page 1, line 10, after "agricultural" insert " or commercial"

Page 1, line 11, after "Agricultural" insert "or commercial"

Page 1, line 17, after "agricultural" insert "or commercial"

Page 2, line 2, after "agricultural" insert "or commercial"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1549, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1549 was placed on the Sixth order on the calendar.

Page 1, line 2, after "hemp" insert "; and to declare an emergency"

Page 2, after line 19, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

The Senate stood adjourned pursuant to Senator Christmann's motion.

Fran A. Gronberg, Secretary